

APPENDIX D

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No.	FAC	Date	Where Made	Challenged Statement
11	¶146	7/17/08	2Q08 earnings press release	<i>“[W]e continue to execute on our long-term strategy focused on...cost....We are well-positioned for success entering the second-half of the year.”</i>
26	¶176	4/23/09	1Q09 earnings conference call	<i>“While acknowledging that 1Q09 was ‘challenging,’ SunPower still reported strong gross margins and positive net income and that SunPower ‘responded to a challenging Q1 by taking the steps necessary to control our costs given current market conditions....’ SunPower also claimed on the call that the Company remained competitive in the challenging market due to its reduced costs and that ‘our cost structure on the components segment, which specifically is modules is quite good.’”</i>
29	¶185	7/23/09	2Q09 earnings press release	<i>“Overall, we recorded solid second-quarter results in a demand driven market, consistent with our operating plan. In all of our markets, we are encouraged by the improving industry trends we are seeing in both end demand and financing and we are well positioned for further growth in the second half of the year and 2010. Our manufacturing costs are competitive today and we are ahead of plan to achieve our cost reduction goals. Customers continue to choose SunPower due to our superior roof top and power plant experience, industry leading performance of our solar panels and tracking technology, and our ability to drive attractive project returns for our customers.”</i>